

**TESTIMONY OF BECKY A. KURTZ**  
**GEORGIA STATE LONG-TERM CARE OMBUDSMAN**

I am honored to have the opportunity to testify before this Committee. Many of us from across the country have been closely watching this Committee, as it has prodded the federal government and the nation to pay attention the conditions of our nation's nursing homes. We appreciate the excellent work of this Committee and its staff.

For a week this summer, talk of "Cloud 9," a dog training school and kennel, was all over Atlanta. This was the story on the front page of the Atlanta Journal-Constitution: a trainer at the kennel was caught on videotape choking, dragging and striking a dog she was training. It was the leading evening news story on every television channel. Not only did my friends who used the kennel angrily inform the owner that they would never again do business there, but it was the main topic of conversation that week on MARTA and at the water coolers in offices all over the city. The entire city of Atlanta was disgusted and outraged. By the end of the week, the owner of "Cloud 9" had publicly apologized for his staff's behavior and the evening news reported that "Cloud 9" was out of business.

This is a tragic story, but at least it has an appropriate ending as a result of public outrage. As a pet owner, I shared that outrage. Yet, as an ombudsman, I had to ask myself: Why is it that the tragedies we see in some of our nursing homes don't get the same response? When a daughter calls me in tears because bed sores are literally rotting away the legs and the life of her mother; because her mother was found lying in feces for many hours; because her mother is severely malnourished and dehydrated -- why isn't the entire city of Atlanta or Augusta or Albany disgusted and outraged? Why doesn't the mistreatment of our mothers and fathers cause the same outrage?

We do not claim that poor care is a problem in every nursing home, but it occurs far too often. And our experience in the Ombudsman Program shows us that outrageously poor care almost always relates to inadequate staffing. Bed sores cannot be prevented unless there are adequate staff to move residents regularly. Many residents cannot stay dry and clean unless they have staff help them get to the bathroom. Adequate staffing is needed to respond to call lights for help and to assist residents to eat and to drink. These basic human needs can never be met without enough direct care staff.

In Georgia, our Ombudsman Program receives far too many complaints related to inadequate staffing. Last year, we received 239 complaints of inadequate staff in nursing homes and 1,311 complaints of care issues related to staffing. (See attached table). These are complaints of residents being left hungry with no one to help them eat, left in distress or pain because no one responded to their call light, and suffering the humiliation of urinating on themselves because no one was available to help with toileting.

Families, residents, ombudsmen and other advocates are baffled: why are there no federal minimum staffing requirements? The federal law requires "sufficient nursing staff to provide . . . services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident." This is important language, but it leaves us with a standard which is nearly impossible to translate into numbers of direct care staff, much less to objectively enforce.

A few states require adequate minimum standards, but this is not true in every state. In Georgia, our state regulations require only 2.0 nursing staff hours per resident per day. This is not sufficient to provide care to residents, many of whom need significant assistance and supervision. By failing to require specific numbers of staff be present per shift, the Georgia standard does nothing to help residents, their families, ombudsmen, or inspectors -- or even facilities -- know how many persons should be providing care to residents at any time of the day or night. By comparison, the residents of

Georgia's personal care homes -- who don't require as much assistance as nursing home residents -- can know how many staff must be present to assist them during every shift because state regulations require clear minimums.

In order to provide nursing home residents with good care, we must have the political will to:

- set national minimum standards for adequate and well-trained direct care staff supervised by experienced and knowledgeable nurses; and
- enforce these standards.

We acknowledge the difficulty that many homes face in recruiting and retaining staff, particularly in an economy with low unemployment. We understand that hiring and training staff costs money. But we simply must make this a higher priority, because the suffering of our nation's nursing home residents is every bit as real as these workforce and economic hurdles.

Because we do not pay for adequate staff, we do pay in other ways. Just a few examples:

- Nearly 50% of hospitalizations for hip fractures, infections, and pressure sores due to poor nursing home care in the United States could be prevented with adequate staffing, saving nearly \$1 billion per year. ("Nursing Home Residents Rights: Has the Administration Set a Land Mine for the Landmark OBRA 1987 Nursing Home Reform Law," Subcommittee on Aging, Senate Committee on Labor and Human Resources, 1991)
- We could save billions more if we could prevent urinary incontinence, which we could do far more often with adequate staffing. (Id.)
- We pay approximately \$1 billion per year in worker compensation costs for injured nursing home workers, many of whom must over-compensate without sufficient co-workers. ("Establishing Safe Standards in Nursing Homes: We Can't Afford Not To," Service Employees International Union, 1997)

By failing to address the high human cost and the high economic cost of poor care in our nation's nursing homes, we have seen needless suffering of far too many residents. Congress simply must address this crisis. Just as we are disgusted and outraged at mistreatment of our pets, this nation must become disgusted and outraged at the mistreatment of our parents and grandparents. Our outrage must result in this tragic story having an appropriate end.